

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Hiromu SUGINO

Serial No. 09/831,622

Filed May 11, 2001



Attn: BOX PCT

Docket No. 2001_0559A

Confirmation No. 6107

NOVEL PROTEIN AND UTILIZATION THEREOF

[Corresponding to PCT/JP99/06275

Filed November 11, 1999]

PATENT OFFICE FEE TRANSMITTAL FORM

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Attached hereto is a check in the amount of \$1570.00 to cover Patent Office fees relating to filing the following attached papers:

Petition Fee \$130.00

Petition for Extension of Time \$1,440.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Hiromu SUGINO

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicant

WMC/lah
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
April 5, 2002

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEES FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975 [Check No. 49661] 2001_0559A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 6107**
Hiromu SUGINO : **Attn: BOX PCT**
Serial No. 09/831,622 : **Docket No. 2001_0559A**
Filed May 11, 2001 :

NOVEL PROTEIN AND UTILIZATION THEREOF
[Corresponding to PCT/JP99/06275
Filed November 11, 1999]

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

PETITION UNDER 37 CFR § 1.182

Assistant Commissioner for Patents,
Washington, DC 20231

Sir:

Petition is hereby requested to correct the spelling of the first name of the inventor in this application, which is "Hiromu" as indicated in the executed Declaration previously filed, and not "Hiroshi", as indicated in the International application.

This is responsive to the Notification of Missing Requirements dated October 5, 2001 which due date is extended for four months in accordance with a Petition for a Four Month Extension of Time and PTO fee submitted concurrently herewith.

The Petition fee of \$130.00 is also enclosed.

This Petition is further responsive to the Notification of Defective Response dated December 18, 2001, and is, in particular, responsive to the Decision on Request dated February 26, 2002.

In the "Discussion" section of the Decision on Request, it is suggested that the instant petition be submitted, as well as verified statements from the inventor and any other persons having first hand knowledge of the error.

In response to the PTO suggestion, there is submitted herewith a Verified Statement of Mr. Hiromu Sugino, the sole inventor whose name the instant petition concerns. In addition, there is

submitted a Verified Statement of Mr. Hirofumi Usami and Mr. Akira Sekiguichi, the two persons having first hand knowledge of the error.


These statements clearly set forth the specific circumstances as to how and when the error was made and discovered.

The statements further clearly set forth that the mistake was an inadvertent error without deceptive intent.

Favorable action is requested.

Respectfully submitted,

Hiromu SUGINO

By 
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicant

WMC/lah
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
April 5, 2002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Hiromu SUGINO
Serial No. 09/831,622
PCT No.: PCT/JP99/06275
Int. Filing Date: 11 November 1999
NOVEL PROTEIN UTILIZATION
THEREOF

STATEMENT OF MESSRS. HIROFUMI USAMI AND AKIRA SEKIGUCHI

1. We are employees in the Intellectual Property Department of Takeda Chemical Industries, Ltd., the Assignee of the above-identified application, U.S. Serial No. 09/831,622 filed on May 11, 2001. We were and are responsible for the preparation and handling of the national stage application of International Patent Application PCT/JP99/06275 filed on November 11, 1999, of which the above application is the U.S. national stage.
2. In or around October 1999, we prepared and asked Mr. Sugino, the sole inventor of the invention described and claimed in the above applications, to execute a Power of Attorney in Japanese for the international application. We typed his name on the Power of Attorney solely in Japanese in Kanji characters "杉野弘". Attached is a copy of the Power of Attorney. He put his seal by his name on the Power of Attorney.
3. The third Kanji character of Mr. Sugino's name, "弘", represents his first name. This Kanji character is a very popular boy's name in Japan and is read most commonly in English as "Hiroshi". We assumed Mr. Sugino's first name was "Hiroshi". It never occurred to us to ask Mr. Sugino about the English designation of his first name, or that it might be a relatively unique meaning of "Hiromu". We accordingly set forth Mr. Sugino's first name in the PCT Request in English as "Hiroshi", believing it to be correct. We did not discover our mistake until on or about April 25, 2001.
4. On or about April 25, 2001, we prepared and asked Mr. Sugino to execute a Declaration and Power of Attorney and Assignment for the above U.S. national stage application. We prepared the document using "Hiroshi" as Mr. Sugino's first name. We then discovered for the first time the incorrect English designation of Mr. Sugino's first name. He asked us to correct his first name on the papers to "Hiromu", which we did. He then executed the documents.
5. Under the circumstances, the incorrect English designation of Mr. Sugino's first name as "Hiroshi" in the PCT Request was a simple inadvertent clerical and translation error. The error was made without any deceptive intent on our part.

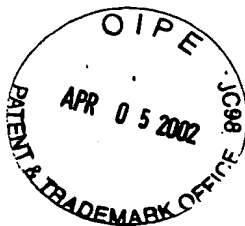
Correction of Mr. Sugino's first name to "Hiromu" in the above U.S. application is respectfully requested.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: *March 26, 2002*

Hirofumi Usami
Hirofumi USAMI

Akira Sekiguchi
Akira SEKIGUCHI



委任状

1999年10月21日

私議 弁理士 高橋秀一、同内山務を代理人と定めて、下記の権限を委任します。

1. 特許協力条約に基づく国際出願
「新規蛋白質およびその用途」
に関する一切の件
2. 上記出願及び指定国を取下げる件
3. 上記出願についての国際予備審査の請求に関する一切の件並びに請求及び
選択国の選択を取下げる件

あて名 徳島県徳島市上八万町西山1325番地

氏名 杉野 弘

(印)





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
Hiromu SUGINO :
Serial No. 09/831,622 :
PCT No.: PCT/JP99/06275 :
Int. Filing Date: 11 November 1999 :
NOVEL PROTEIN UTILIZATION :
THEREOF :

STATEMENT OF MR. SUGINO

1. I am the sole inventor of the invention disclosed and claimed in the above-identified application, U.S. Serial No. 09/831,622 filed on May 11, 2001, which is a national stage application of International Patent Application PCT/JP99/06275 filed on November 11, 1999.
2. In or around October 1999, I was asked by Messrs. Hirofumi USAMI and Akira SEKIGUCHI, who were the responsible persons for preparing and filing of said international application in the Intellectual Property Department of Takeda Chemical Industries, Ltd., the Assignee, to execute a Power of Attorney in Japanese for that international application. My name on the Power of Attorney appeared solely, and correctly, in Japanese in Kanji characters "杉野弘". Attached is a copy of the Power of Attorney, which I executed by putting my seal next to my name in conformance with typical Japanese practice.
3. The third Kanji character of my name, "弘", represents my first name. This character has two similar but different pronunciations, and hence two different phonetic designations in English. The most common designation is "Hiroshi". A second relatively unique designation is "Hiromu". My correct first name is the latter relatively uncommon name "Hiromu". However the above persons mistakenly believed my first name was the more common name "Hiroshi". I did not know that the above persons set forth my first name incorrectly as "Hiroshi" in the PCT Request until on or about April 25, 2001.
4. On or about April 25, 2001, I was asked by the above persons to execute a Declaration and Power of Attorney and Assignment for the above U.S. national stage application. I then discovered the incorrect English designation of my first name. I asked them to correct it which they did. I then executed the documents.
5. Under the circumstances, I believe that the incorrect English designation of my first name as "Hiroshi" in the PCT Request was a simple inadvertent clerical and translation error. The error was made without any deceptive intent on my part. Correction of my first name to "Hiromu" in the above U.S. application is respectfully requested.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: *March 25, 2002*


Hiromu SUGINO



委任状

1999年10月21日

私議 弁理士 高橋秀一、同内山務を代理人と定めて、下記の権限を委任します。

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選択国の選択を取下げる件

あて名 徳島県徳島市上八万町西山1325番地

氏名 杉野 弘

(印)

